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March 23, 2018

**VIA ECF**

Hon. Katharine H. Parker  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: City of Almaty, Kazakhstan, et al. v. Mukhtar Ablyazov, et al., Case No. 1:15-cv-05345-AJN-KHP**

Dear Judge Parker:

We represent the Khrapunov Defendants in the above-referenced litigation, and we write in further support of our motion for partial reconsideration of the Court's March 5, 2018 order sanctioning Ilyas Khrapunov.

BTA/Almaty's opposition misconstrues the basis of our request, which addresses the portion of the Court's decision that cites counsel's request to permit telephone testimony at any sanctions hearing as an example of Ilyas Khrapunov's playing games with the Court. There is no basis in the record or elsewhere to infer that Mr. Khrapunov feigned an ability to testify by phone as a way to bolster his credibility. BTA/Almaty's principal argument is that our motion does not rely on new evidence, *see* ECF No. 575 at p. 2-3, but that misses the point. Our argument is that there is no evidence in the record or otherwise to show that Mr. Khrapunov, rather than his counsel, requested permission for Mr. Khrapunov to testify by phone. That portion of the Court's order is thus based on an erroneous assessment of the evidence and should be


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reconsidered. *See Gomez v. City of New York*, 805 F.3d 419, 423 (2d Cir. 2015) (observing that motions for reconsideration are reviewed for abuse of discretion, *i.e.*, whether a court “bases its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence.”).

The Khrapunovs also request that the Court disregard the numerous, inaccurate characterizations of Ilyas Khrapunov’s conduct set forth in BTA/Almaty’s opposition papers (ECF No. 575) as unsupported by any record evidence.

Very truly yours,



John J. Kenney